I affirm,

Juveniles charged with violent felonies ought to be treated as adults in the criminal justice system.

Treat[[1]](#footnote-1) means to deal with in a certain manner. Contextually, in the criminal justice system people are evaluated on a case by case basis. In the criminal justice system not all adults automatically get the most severe punishments; rather, each sentencing has to do with the nature of the crime and the person committing it. For example, if a mentally ill person commits murder we make a distinct form of judgment about the characteristics that those adults possess, mainly that they should not be punished as severely as other adults. Hence, in the affirmative world when we treat juveniles as adults, we assess the particular characteristics of each individual and then after that assessment, if they meet the proper elements of a violent felonies, they will be punished duly. However, necessary part of the negative world is defending some distinction wherein people are not treated the same, that applies to some individuals the day they turn 18, as that is what the status quo mandates.

And, the aff doesn’t have to defend the current distinction between adults and juveniles, rather just show that juveniles ought to be treated as adults ought to be treated too. This interp is key to AFF ground, otherwise all the neg would have to do is show present indicts to how people are treated in the criminal justice system in the status quo. Clearly, there are major problems with the squo criminal justice system, ie innocent people go to jail all the time. Moreover, given the vast amount of different problems the negative could advocate, plus the fact that I’ve already committed to a six minute advocacy, I must be allowed to adapt the criminal justice system. Further, this is the only textual interpretation since “treated as adults” is merely an abbreviated subordinate clause. The implicit extension is that they ought to be treated as adults ought to be treated because the only way the omission of a predicate is grammatically acceptable is to avoid repeating it[[2]](#footnote-2).

In addition, if there is no offense either way affirm:

I value **morality**,

The standard is **treating people as ends in themselves.**

I contend that negating doesn’t treat people as ends in themselves.

**First**, the distinction between adults and juveniles that the negative must defend is arbitrary and doesn’t appropriately allow for punishment:

**A.** there are no morally relevant factors that go into this decision, rather the government just picks a point in time wherein it would be suitable to draw a distinction between adults and children. A legal system that treated an angry toddler who picked up a loaded gun and killed someone the same as an adult who took a similar action would obviously be non-functional. No one contests this fact. The debate revolves around at one point the distinction is made. However, any such distinction will be arbitrary. In the negative world, this proper punishment does not exist given that a normal 17 year and 364 day old juvenile, who doesn’t display any signs of mental defect, is presumably more culpable than an 18 year old adult who is mentally handicapped, but yet is punished weakly because of the arbitrary temporal distinction. Consequently, since there is no morally relevant distinction to change the evaluation of a person when they turn 18, affirm.

**B.** Even if psychological analyses would have been used, brain analysts can only predict general trends among the populace. Since all individuals develop differently, the government cannot legislate the distinction between adulthood and non-adulthood at a particular mathematical point. Regardless of where the government places this distinction, some individuals will be classified inappropriately. Some individuals’ brains may develop enough before the distinguishing age and others not until far after the distinguishing age. Hence, any distinction psychologists try to make will be a mere arbitrary generalization that doesn’t account for all individuals.

**C.** The voting age is the basis for determining rights and privileges in the United States, and given that it fluctuates there is no normative reason to hold individuals to this standard. However, this distinction is arbitrary since in the United States, for instance, the legal voting age was changed from 21 to 18 in the 70s in part because of the student activism associated with the Vietnam War. Political motivations, not complex psychological ones caused the change.

Second, children are indeed rational beings just like adults:

A) All persons ought to be treated as if they can reason to the moral law since if they couldn’t, they’d be inhumane. The only thing that marks that is free capacity, so we have to treat juveniles as if they are rational, or we treat them as not human. That is a moral commitment we make, independent of brain states or neural connections, since those don’t speak to the question of how we are morally obligated to treat human beings.

B) Unless we assume that everyone is free, we could never say that anyone is free because once we label a certain individual not free, we have no way to empirically verify that. Juveniles could always claim they were irrational when committing a crime. This would destroy the criminal justice system, our possibility to know anyone as an agent, and our ability to ever respond to anyone as such, since it is impossible to verify every empirical state.

C) No developmental impediment can make crime literally irresistible. If something is determined to happen, then it must necessarily happen, so when you talk about scientific causal laws, it becomes a statement of given x, then y necessarily follows. However, this isn’t the case with juveniles, since many juveniles refrain from crime and truly make rational decisions. Even if refraining from crime may be a difficult choice, this doesn’t mean that teens aren’t agents, as everyone is faced with hard decisions, so juveniles are still culpable for choosing to commit violent crimes just like adults.

D) If juveniles aren’t rational agents and cannot be culpable for their actions, then there’s not a question of moral evaluation in the resolution, so there is no way that juveniles ought or ought not be treated. Since we only care about people due to their status as rational agents, we no longer have obligations to them if they are not rational. Thus, if juveniles are not rational, there can be no moral obligation to treat them in any way, in which case you affirm since the neg needs to prove a moral obligation to separate their treatment.

E) Even if there are minor differences in maturity and development, a time discount solves, they are still punished but yet at a lower rate, Feld:

**This categorical approach would take the form of an explicit "youth discount" at sentencing. A fourteen-year-old of- fender might receive, for example, 25-33% of the adult penalty, a sixteen-year-old defendant, 50-60%, and an eighteen-year-old adult the full penalty, as presently occurs. The "deeper discounts" for younger offenders correspond to the developmental continuum and their more limited opportunities to learn and exercise responsibility. A youth discount based on reduced culpability functions as a sliding scale of diminished responsibility.** Just as adolescents posses less criminally responsibility than do adults, fourteen-year-old youths should enjoy a greater mitiga- tion of blameworthiness than would seventeen-year-olds. **Because the rationale for youthful mitigation rests upon reduced culpability and limited opportunities to learn to make responsible choices, younger adolescents bear less responsibility and de- serve proportionally shorter sentences than older youths. The capacity to learn to be responsible improves with time and experience.**

And time reduce decreases unnecessary punishments:

A youth sentencing policy requires formal mitigation to avoid the undesirable forced choice between either inflicting undeservedly harsh punishments on less culpable actors or "doing nothing" about the manifestly guilty. **Mitigation avoids the pressures judges and juries historically experienced to nullify and acquit the "somewhat guilty" or to punish excessively the "partially" responsible. A formal policy of youthful mitigation provides a buffer against the inevitable political pressure to ratchet-up sanctions every time youths sentenced leniently subsequently commit serious offenses. The idea of deserved punishment also limits the imposition of too little punishment as well as too much. Although the overall cardinal scale of penalties for juveniles should be considerably less than that for adults, a failure to sanction when appropriate, as juvenile court treatment ideology may dictate in some instances, can deprecate the moral seriousness of offending**.'43 Indeed juvenile court judges defacto reinstate the principle of offense and punish young of- fenders exactly because a treatment ideology cannot justify either "clinically" lenient or disparate, individualized sentences.

F) If there is a distinction between juveniles and adults, it is only formed because of mental handicapps of juveniles, not their age, as the majority of juveniles are mentally deficient. wilson

**Delinquents with mental health problems are especially hard-hit by the reapplication problems and often experience illness flare-ups as a result of the delay. Because 70 percent of the juvenile delinquent population has a mental disorder, receiving timely health services is vital to their long-term health**. Additionally, orphaned delinquents sometimes wait up to a year before receiving placement in a foster care home (a service provided by Medicaid). In the meantime, they must single-handedly find housing. **Confronted with these difficulties, delinquents often reoffend for the sole purpose of reentering jail and receiving the healthcare services provided by incarceration facilities. A delay in obtaining healthcare benefits is linked to a significant increase in recidivism.**

Next, treating juveniles in the adult court is undesireable under util:

The juvenile justice system does not prevent future crime. Levitt 1:

**The current punitiveness of the juvenile justice system**—which should not have a direct effect on the behavior of adults—**yields** larger estimated impacts in most columns, although in no case are these **coefficients statistically significant at the .05 level**. These results suggest that **the punitiveness of juvenile sanctions does not have a first-order impact on** later **criminal involvement. This finding is consistent with** longer-term **deterrent effects and** criminal human capital/**stigma effects roughly offsetting one another**, or both simply being small in magnitude.'

Adult courts decrease violent crime by 25% in the year following attainment of the age of majority. Levitt 2:

**This** paper presents some of [is**] the first rigorous empirical estimates of the effect of the criminal justice system on juvenile crime. The evidence suggests that juvenile crime is responsive to harsher sanctions**. The estimated decrease in crime associated with incarcerating an additional juvenile is at least as large as the corresponding reduction in crime for adults. In addition, **there are sharp changes in crime rates associated with the transition from the juvenile to the adult court. In the year following attainment of the age of majority, states that punish adults** particularly **harshly relative to juveniles see violent crime rates fall by** almost **25 percent** and property crime 10-15 percent relative to states in which adult punishments are relatively lenient.

And, juvenile courts are a breeding ground for conviction of innocents, CWCY:

**The overwhelming majority** of known and proven **wrongful convictions involve individuals who were serving long prison terms. However, there is reason to believe that juvenile courts may be a breeding ground for wrongful convictions**. **[First,] Juvenile court culture discourages zealous advocacy in favor of** the **“best interests of the minor,” meaning that innocent defendants may not have their cases fully heard.[Second,] Fact-finding is made by judges already familiar with the minor through previous court proceedings, and they may assume the guilt of the accused based on prior bad acts. [Third,] Lesser penalties in juvenile court, including widespread use of probation, provides powerful incentives for accused to plead guilty to crimes they did not commit to avoid incarceration. [Fourth,] Invocation of appellate rights is infrequent, and availability of other post-conviction remedies** **(including proof of actual innocence through newly discovered evidence) is unavailable.**

Aff- Sentencing them the same has a great symbolic deterrence Angell:

As one expert explained: In public discourse, it is almost taken for granted that getting tougher and harsher will be more effective than traditional modes of response to juvenile crime. **Anecdotal accounts are common of juveniles laughing at the juvenile system, accumulating “free” crimes until they reach the age of majority**. Some advocates of transfer claim that **an experience in criminal court—no matter what the sentencing outcome—gives young offenders a good shaking up** . . . . In other words, **transfer** per se **is thought to have symbolic value, quite apart from whatever consequences may follow at sentencing**. . . . **[I]f the criminal court gives young offenders “real” consequences—sanctions that are harsher and more punitive than the sanctions typically provided by the juvenile courts— their motivations to commit future crimes will be further reduced.**72

**(Aff) Rehabilitative approaches to juvenile justice fail to reduce recidivism. wilson**

**The American juvenile justice system desperately needs reform. Some 2.4 million juveniles are charged with offenses annually. An appalling 55 percent of juveniles released from incarceration nationwide are rearrested within one year**. In **urban centers,** that percentage—referred to as the rate of **recidivism**—**reaches** up to **76 percent**. High recidivism is associated with increases in crime, victimization, homelessness, family destabilization, and public health risks. Government-sponsored correctional programs cost sixty billion dollars annually. **Most tragically, high recidivism indicates a failure to provide meaningful rehabilitation for offenders**. Reducing recidivism specifically among juveniles should be of primary importance to the U.S. Department of Justice and the Office of Juvenile Justice and Delinquency Prevention. **Our government’s current approach to lowering recidivism emphasizes the creation and funding of rehabilitative programs. While these initiatives have made marginal gains, efforts have been insufficient**. Substantial progress will only come by eliminating recidivism-fostering features of the juvenile justice system itself.

1. Merrian Webster Dictionary, Definition of “treat”. 2009 [↑](#footnote-ref-1)
2. Diana Hacker. “A writer’s reference 7th edition”. [↑](#footnote-ref-2)